



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING– 6:30 P.M
THURSDAY, AUGUST 28, 2014
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Planning Commission meetings often.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

- 1) 2014/0828.01 - Receive Letters of Resignation from Commissioners Chapman and Theuriet **(RECEIVE & FILE)**

E. CONSENT CALENDAR

- 1) 2014/0828.02 - Approve Minutes of the March 27, 2014 Regular Meeting **(ACTION)**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2014/0828.03 - Adopt Resolution No. PC 084-2014 recommending approval of Teasley Subdivision extension to August 9, 2015 **(ACTION)**

2) 2014/0828.04 - Adopt Resolution No. PC 085-2014 recommending the City Council amend the Subdivision Regulations to be consistent with the Subdivision Map Act regarding extension of approved tentative maps (ACTION)

3) 2014/0828.05 - Continued review and discussion of:

- Draft Land Use Matrix
- Potential New Use Types
- Appropriate Zones for New Use Types
- Definitions

H. ADJOURNMENT



In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

The next Regular meeting is scheduled for September 25, 2014 at 6:30 p.m.

July 7, 2014

City of Rio Dell
Attention: City Manager - Jim Stretch

Jim:

It is with regret that I resign from the Planning Commission of Rio Dell. We have sold our home and will be moving out of the City of Rio Dell the 15th of August. My resignation will be effective August 1, 2014.

I have truly enjoyed the time I have served and will miss being a part of Rio Dell government. The Planning Commission has done a great deal of work the past year I have served and I hope that my service has helped. Working with Kevin Caldwell was a wonderful experience and I hope my replacement benefits as much as I did working with Kevin.

Thank you for giving me the honor of serving, it has been a pleasure.



Commissioner Carol Theuriet

cc: Kevin Caldwell
Community Development

July 11, 2014

Kevin Caldwell
Community Development Director
City of Rio Dell
675 Wildwood Ave
Rio Dell, CA 95562

Kevin,

I would like to inform you that I am resigning from my position as a Planning Commissioner, effective July 14, 2014.

I have accepted an offer to be the Finance Director for the City of Lovington, New Mexico.

Thank you for always providing direction, clear understanding and support of our ideas. I have enjoyed my tenure with the City of Rio Dell.

If I can be of any assistance before I leave on July 28, 2014, please let me know. I would be glad to help however I can.

Sincerely,



Gary Lee Chapman

Cell: 707-601-7063
email: garyleechapman@yahoo.com

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
MARCH 27, 2014**

CALL TO ORDER

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Chapman.

Present were Commissioners Chapman, Angeloff, and Long. Absent were Commissioners Millington and Theuriet (excused).

Others present were Community Development Director Caldwell and City Clerk Dunham.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Item No. 3 *Resolution No. PC-079-2014 Approving Double "S" – Wendt Lot Line Adjustment* was removed from the consent calendar for separate discussion.

Motion was made by Angeloff/Long to approve the consent calendar including approval of minutes of the January 22, 2014 regular meeting; approval of minutes of the February 13, 2014 study session; and adoption of Resolution PC 081-2014 approving Marks Lot Line Adjustment. Motion carried 3-0.

Commissioner Millington arrived at this time, 6:35 p.m.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSION
(Items Removed from Consent Calendar)

Adopt Resolution No. PC-079-2014 Approving the Double "S" – Wendt Lot Line Adjustment

Community Development Director Caldwell provided a staff report and explained the applicant is proposing a lot line adjustment between four (4) vacant parcels and the merger of a Caltrans "give-back" parcel to the adjacent four (4) parcels. He reviewed the three (3) findings required to be made by the applicant and said a lot line adjustment "shall" be approved or conditionally approved when the required findings can be made. He said the applicants submitted evidence in support of the findings and as such, staff is recommending approval of the project as conditioned.

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Community Development Director Caldwell referred to the last page of the Conditions of Approval (Informational Note (2.)) which says the owners of APN's 205-011-041 (Double "S" Investment) and 205-111-040 (Wendt Construction) are responsible to maintain the on-site drainage ditches and culverts. He said the applicants are requesting that the condition be removed. As a result, he said he talked to the City Attorney and he is suggesting the condition remains for two (2) reasons: 1) it provides disclosure to the property owner to show they are responsible; and 2) it reduces the City's liability because of the disclosure.

Commissioner Millington asked for clarification that the two (2) informational notes are merely disclosures.

Community Development Director Caldwell stated that's why they are merely notes instead of conditions.

Commissioner Chapman opened the public hearing to receive public comment on the proposed lot line adjustment.

Shannon McWhorter, applicant/partner in Del West Investments stated the problem is that he doesn't believe all of the questions have been answered as to who is ultimately responsible for clearing the ditches and culverts. He said even though it is added as an informational note, it appears in the document to be a matter of fact. He added that the City is in the process of having that area surveyed to determine whether all of the ditches are located on private property and there is a possibility that a portion could be located in the City's right-of-way and he wanted that stated in the record. He said that he is sure there will be further discussions with the City and that the matter will be worked out depending on the final results of the survey.

Commissioner Angeloff asked the applicant if it is determined that the ditch is located on his property, if he has an issue with cleaning it.

Mr. McWhorter responded that he does have an issue since the ditch capacity is being used more by other properties than theirs and that is a concern. He said he wants the ability to discuss those issues. Also, there is the historical issue as to who maintained the ditch and culverts in the past and said the County may have maintained them all along so he would like to determine what, if any responsibility the City has with regard to maintenance.

Commissioner Angeloff asked about the North Coast Railroad Authority right-of-way and whether they had any responsibility.

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Dennis Wendt commented the NCRA right-of-way is 33 feet from center line but they have no responsibility for maintenance.

Community Development Director Caldwell said one of the options presented to the applicant was to continue this matter to the next meeting to allow for completion of the survey however; pointed out that Wally Wright is part of the survey team and he feels pretty confident that the map is accurate and the facilities are located on the applicant's properties. He said in checking the title report, there are no noted public easements to maintain the drainage ditch or culverts going across that so legally the City doesn't have the right to go onto those properties to maintain those facilities. He added that he did speak to Bill White, Supervisor for the County road maintenance department for this area since 2006 and he said they have not maintained that ditch during his watch. He indicated that it may have been maintained earlier but it would have only been maintained if it were in fact within the County right-of-way and they would not maintain anything outside that right-of-way. He said his words were that they already have enough to do on County land.

Commissioner Angeloff stated for clarification that when this area was annexed into the City, it assumed the responsibilities for Northwestern Avenue including repairs to the culverts. He said the question is whether the ditch is included within the 50 foot right-of-way and what the history is with the County related to maintenance of the ditches and culverts.

Community Development Director Caldwell confirmed there is a 50 foot right-of-way and said based on the preliminary survey done by Mr. O'Hearn it appears at this point to be located entirely outside the right-of-way and on the properties of Mr. McWhorter and Mr. Wendt. He said absent of the final survey report, he would suggest the informational note be retained and kept as such so it provides that disclosure and releases the City from some of the liability regarding any lack of maintenance.

Commissioner Angeloff stated that absent of the final survey, he would suggest the informational note be retained and kept as such so it provides that disclosure and releases some of the liability from the City regarding lack of maintenance.

Commissioner Angeloff asked the applicants if they were agreeable to continuing the matter to the next meeting.

Mr. McWhorter stated that he would not be agreeable to continuing the matter as he wants to get the lot line adjustment taken care of. He said as far as the informational note he doesn't think it is a binding statement and wanted to simply state his opinion to have it

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on record. He commented that he is looking forward to sitting down with the City and talking about the issues at the appropriate time.

Commissioner Chapman asked if the lot line adjustment is approved as it is now, if it can be addressed again at a later time.

Staff responded that the applicants could bring the matter back at any time.

Commissioner Millington said if the point of the informational note is to help protect the City from liability perhaps there is a way to reword it so they agree the City has no responsibility to maintain the ditches.

Community Development Director stated that it's critical that the conditions refer to their onsite drainage facilities and obviously if it is determined that any or all of the facilities are located within the City's right-of-way, the City has the responsibility to maintain and will carry through with that.

Commissioner Angeloff asked if the question to the City Attorney was whether or not there was the full responsibility of the ditch maintenance and asked if it was conflated by the drainage from other properties filling the ditch.

Community Development Director Caldwell stated that the City Attorney is absolutely aware of that and we all recognize there is a fairly good gulch that comes from the east above the former Eel River Sawmill office which is where water and sediment comes from.

Commissioner Angeloff questioned whether the City wants to designate these 2 property owners as the responsible parties and enter into a fray that could potentially involve other property owners because of the water and sediment going into the ditch. He suggested language simply say that the drainage ditch associated with those parcels is not the responsibility of the City.

Community Development Director Caldwell stated that the City is not going to maintain anything outside it's right-of-way and it is the responsibility of the property owners to maintain those facilities so as not to affect upstream or downstream properties.

Commissioner Angeloff felt that his suggested language sounded more appealing.

Community Development Director Caldwell said any amended language would need to be reviewed by the City Attorney therefore; the matter would have to be continued.

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Dennis Wendt addressed the Commission and said as owner of the properties on both sides of the parcel in question he has interest in the matter and said he has a problem with the condition because when that area was annexed into the City, the County was maintaining some of the facilities which became the City's responsibility. He said even though there is a pipe running through private property, it carries water that comes from other properties. He said he wants to work with the City but feels the City needs to share the responsibility. He said his recommendation is that the City approves the lot line adjustment as presented but to state for the record that the property owners are not agreeable to the note.

Wally Wright stated that having worked with Kelly O'Hearn on the survey, he is pretty sure the right-of-way is located on the private property in question but suggested the wording be changed to reflect that after the lot line adjustment is approved, the City and the property owners will get together and come up with a mutual agreement for maintenance of the ditch. He said he doesn't feel the City is crossing any legal lines with regard to the note being placed on the conditions of approval.

There being no further public comment, the public hearing closed.

Commissioner Long stated that it seems that this matter is something that will be an ongoing conversation with the City and it is clear that the applicants would like to see the note removed but also want to move forward with approval of the lot line adjustment.

Community Development Director Caldwell reiterated that the note is not legally binding.

Commissioner Angeloff suggested language to say that the approval is contingent upon the survey results and further discussions with the property owners and the City.

Community Development Director Caldwell again made it clear that the City will not maintain drainage facilities on private property and does not have the funds to do so. He said that it is an informational note for disclosure purposes and would only maintain the ditch if the City had an easement on the property for that purpose.

Commissioner Millington asked if it would be helpful to add something to say that if the City had an easement they would be responsible for maintenance.

Community Development Director Caldwell stated that since there is no easement, he is not comfortable with that.

Commissioner Long asked for clarification that the City is obligated to approve the application if the findings are met.

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Community Development Director Caldwell stated that he was correct and that staff must record the approval and have it on file with the City.

Commissioner Millington asked if the note is a condition of approval for the lot line adjustment; staff responded that it is not.

Commissioner Angeloff stated he would like to see the County of Humboldt put in writing whether they maintained any portion or the entire ditch, and to also get a legal opinion from the City Attorney.

Community Development Director Caldwell stated that the City Attorney already provided a legal opinion and that any change in the language will require going back to the City Attorney and delay approval.

Shannon McWhorter stated that his opinion was on record so he would like to move forward with approval.

Motion was made by Angeloff/Millington to approve Resolution No. 079-2014 approving the Double "S" – Wendt Lot Line Adjustment and Merger as conditioned, Eel River Industrial Park, APN's 205-111-020, 205-111-041 and 205-111-043. Motion carried 4-0.

Modification of an approved Conditional Use Permit for the Design Review of a 9,100 sq. ft. Dollar General Store replacing smooth split-faced concrete masonry siding with Nichiha fiber cement siding

Community Development Director Caldwell provided a staff report and stated the Planning Commission approved the required Design Review Conditional Use Permit for the Dollar General Store located at the intersection of Wildwood Avenue and Davis Street. He said during the preliminary site work, it was determined that ground water levels were much higher than when the soil borings were conducted. The approved original design utilized a smooth split-faced fully grouted concrete masonry units (CMU's) which are extremely heavy and according to the Geotechnical Engineers, the weight of the CMU's and the foundation system will result in significant settlement with the first year.

He said because of the soil conditions and the weight of the walls, the applicant is requesting that they be allowed to modify the building design by utilizing Nichiha fiber-cement panels in place the CMU walls. He indicated that the product looks almost identical but is approximately 14 times lighter than the concrete block walls.

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Community Development Director Caldwell said that one of the original conditions of approval was that the applicant utilizes the same concrete block to create an enclosure around the ventilation equipment at the back of the building, basically to attenuate the noise so not to impact the neighbors to the north. However, it was determined that the concrete block actually attenuates the noise less effectively than a wood fence does so they asked staff if they could modify that condition and substitute the concrete block with a wood on wood board fence which is proposed to be around the trash bins and recycling containers and along the east side of the property. He stated that based on the sound attenuation of a wood fence, staff approved the modification administratively. He noted that the Planning Commission has the authority to reinstate the condition or change it as desired.

He said another change he is recommending as part of the modification is that the applicant constructs a board fence along the north property line. He said at the time the Planning Commission approved the project there was a fence there so the project was not conditioned to install a fence along the northern property line. He stated that staff is recommending the fence be installed and that the applicant has no problem with that recommendation.

Community Development Director Caldwell stated another recommendation as a condition of approval is that the back of the building, originally approved for metal siding, be constructed with the Nichiha materials to match the other exterior siding so it all ties in together. He said the applicants are also agreeable to this condition.

Commissioner Angeloff commented that when the Planning Commission approved the project for design review, there was no specific requirement for utilization of concrete block materials and asked why they are now restricted to making it look like cement block. He said he would like staff to make it clear to them that he would much rather see the Nichiha product or even a wood like product other than concrete block.

Community Development Director Caldwell clarified that they are not restricted to making it look like concrete block and they are just trying to make it look like the design originally approved.

Commissioner Long noted that if you take a look at their other stores, they all have the same basic look and feel so that design seems to be their trademark.

Commissioner Chapman commented that it may be an oversight, but he didn't see anything in the conditions that requires the installation of sidewalk along Davis St.

Community Development Director Caldwell stated that there is a sidewalk already existing along Davis St. and noted that they will be relocating a drain inlet (DI).

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Motion was made by Millington/Long to adopt Resolution No. PC 082-2014 approving modification of an approved Conditional Use Permit (CUP) subject to the originally adopted Conditions of Approval for the Design Review of a 9,100 sq. ft. Dollar General Store replacing smooth split-faced concrete masonry siding with Nichiha fiber cement siding including the use and pattern of the same products on the back wall. Motion carried 4-0.

Adopt Resolution No. PC-078-2014 Recommending Establishing Density Bonus Regulations, Section 17.30.073 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said the State Density Bonus Law requires local governments to provide density bonuses and other incentives to developers of affordable housing who commit to providing certain percentage of dwelling units to persons whose income does not exceed specific thresholds. It also requires for bonuses to certain developers of senior housing developments, and in response to certain donations of land and the inclusion of childcare centers in some developments.

He said the City is also required to adopt a Density Bonus Ordinance in order to get the Housing Element approved for the next cycle. He noted that this is 1 of the 3 requirements for this cycle. The other 2 requirements are to increase the multi-family designation to allow up to 15 units per acre, and to provide for transitional housing/homeless shelters. He said these 2 additional items will be coming to the Planning Commission at the next meeting. As such, he recommended the Planning Commission schedule a special meeting for April 10, 2014 to discuss these items and also continue discussion on the Land Use Matrix.

Community Development Director Caldwell stated that the proposed Ordinance was crafted as much as possible on the standards and requirements contained in State law, so that if provisions in State law are amended in the future, the City's regulations will not necessarily need to be amended.

Next was review of density bonus concessions, or incentives and waivers.

Commissioner Chapman commented that when talking about waivers being necessary for the construction of a low income or senior housing project, he finds it hard to understand why it would be necessary because it seems that a developer would make sure the property is suitable for the development before they even get started.

Community Development Director Caldwell explained that at times there may be certain thresholds needed to get Federal funding such as relief from setback requirements.

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He said those situations will occur and the City is obligated to approve under State regulations but the City must adopt its own regulations to get the Housing Element approved. He said the City cannot deny density bonus requests if they meet the requirements and there is no general plan amendment necessary.

Commissioner Angeloff asked for assurance that the City is obligated to adopt density bonus regulations but in doing so, will not be going beyond State law. Staff responded that he is correct.

A public hearing was opened to receive public comment on the proposed resolution. There being no public comment, the public hearing closed.

Motion was made by Long/Millington to adopt Resolution No. PC-078-2014 recommending that the City Council establish Density Bonus Regulations, Section 17.30.073 of the Rio Dell Municipal Code (RDMC). Motion carried 4-0.

Adopt Resolution No. PC-080-2014 Approving a Zoning & General Plan Amendment establishing Residential Multi-family (RM) designation with an allowable density of 15 units per acre and recommending a portion of N. Rigby Ave. be re-designated from Urban Residential (UR) to Residential Multi-family (RM)

Adopt Resolution No. PC-082-2014 Approving a General Plan amendment and Zone Reclassification of the City Parking Lot (APN 053-141-021) from Town Center (TC) to Public Facility (PF)

Motion was made by Angeloff/Long to continue the 2 above items to the April 10, 2014 Special meeting at 6:30 p.m. and that the items are combined as 1 General Plan Amendment. Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

Community Development Director Caldwell reported on his attendance at a Code Enforcement Workshop in Sacramento related to the 4th Amendment and the Plain View Doctrine and sovereigns and said it was very interesting. He said sovereign citizens are those folks who believe the laws do not apply to them and they can do what they want. Unfortunately, he said there is a lot of violence toward public employees and the topic of discussion was related to how to identify these folks from the perspective of Code Enforcement officers. He said they also talked about the difference between an inspection warrant and a search warrant, and explained inspection warrants are typically used for code violations for things such as garbage and allows the officer to open a gate and look into the yard if they smell garbage as opposed to a search warrant that allows an officer to enter a home.

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He said he also attended a workshop with the Department of Housing and Urban Development put on in Region 9 related to NEPA. He stated that the City is required to comply with NEPA regulations when getting Federal money. He said the focus was on identifying exemptions and exclusions to avoid going through the NEPA process if there is an exception.

Commissioner Chapman asked about the status of the Danco project.

Community Development Director Caldwell said it is his understanding that they are completing the Federal application process which may take several months.

ADJOURNMENT

The meeting adjourned at 7:45 p.m. to the April 10, 2014 Special meeting.

Gary Chapman, Chair

Attest:


Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 28, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 22, 2012

Subject: Extension Approval of the Teasley Subdivision; 364 Center Street
File No. 052-301-012; Case No's. PMS 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Adopt Resolution No. PC 84-214 approving the requested extension for an additional 12 months. The extension shall expire on August 9, 2015

Discussion

The Planning Commission originally approved the Teasley minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet on July 25, 2012. The approval became effective on August 9, 2012 and was set to expire on August 9, 2014. The applicant's agent, A.M. Baird Engineering submitted an application for an extension on August 6, 2014.

Both proposed parcels are developed with single family homes and residential accessory structures. Frontage improvements (curb, gutter and sidewalk) and paving was required along the frontage of the property. In addition, the applicant was required to move or relocate the existing storage sheds to meet setback requirements. Attachment 1 includes a copy of the original staff report and conditions of approval.

Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery.

During the review of the requested extension, staff discovered that two of our local provisions regarding extensions are not consistent with the Subdivision Map Act, Section 66410 et seq. of the California Government Code (CGC).

Section 16.15.130(2)(a) of the RDMC requires that the application be submitted not less than 45 days prior to the expiration date. The application for the extension was not submitted 45 days prior to the expiration date. Section 66452.6(e) of the Government Code (Subdivision Map Act) identifies the provisions for discretionary approval of extensions of tentative maps. The Map Act requires that the application be submitted **prior to the expiration date**. Once an application for an extension is timely filed (prior to the expiration date), the map is automatically extended for sixty (60) days or until the City acts on the extension, whichever occurs first. Based on the State statute, staff considers that the application was timely filed.

The second local provision not consistent with State law is Section 16.15.160(2)(e) of the RDMC, which requires that any appeals of the Planning Commission action be filed within ten (10) days of the Planning Commission's action. The Map Act allows the subdivider fifteen (15) days to appeal the Planning Commission action to the City Council.

Staff will be recommending that both provisions be amended to be consistent with State law.

In reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

- 1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and*
- 2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and*
- 3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and*
- 4. That the proposed subdivision is physically suitable for the type of development; and*
- 5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

There have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the subdivision (parcels) are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff determined that the original approval of the subdivision was Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the

division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required. There is no evidence to suggest that the extension of the original subdivision approval will result in a significant impact to the environment. Therefore, staff recommends that subdivision extension approval be found to be statutorily exempt pursuant to Section 15315 of the CEQA Guidelines.

Section 16.15.160(2)(c) of the RDMC limits subdivision extensions to twelve (12) months. Both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years.

Because there have been no changes in the General Plan, Zoning and Subdivision regulations which would affect the original approval, staff recommends that the Planning Commission approve a one (1) year extension to the approved subdivision. Accordingly, the subdivision will expire on August 9, 2015.

Attachments:

Attachment 1: Original Staff Report and Conditions of Approval.

Attachment 2: Resolution No. PC 84-2014

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 25, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Jim Stretch, City Manager

Date: June 18, 2012

Subject: Teasley Subdivision; 364 Center Street
File No. 052-301-012; Case No's. PMS 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
5. Make the following motion: "I move to make the all the required findings, based on evidence in the staff report and approve the proposed subdivision subject to the recommended conditions of approval."

Summary

The applicant is proposing a minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet respectively. Both proposed parcels are developed with single family homes and a residential accessory structure.

Frontage improvements (curb, gutter and sidewalk) and paving will be required along the frontage of the property. In addition, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. All referral agencies have recommended approval of the proposed subdivision.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

The applicant has submitted evidence in support of making the required findings. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

The General Plan designation for the project site is Urban Residential (UR). The Urban Residential designation provides for neighborhood residential areas and establishes two density ranges. The minimum lot size is 6,000 square feet for detached single family dwellings with a density of 4 – 7 units per net acre, and 4,000 square feet for attached single family dwellings with a density range of 7 – 10 units per acre. The proposed subdivision is based on detached single family dwellings. Proposed parcels sizes range from 12,040 and 12,710 square feet respectively. The proposed density is 3.97 dwelling units per acre. The proposed subdivision complies with the required minimum lot size and the density range of 4 – 7 units per acre.

There are a number of General Plan goals and policies related to the proposed subdivision. The following table identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Natural Environment G2.1-3	Preserve drainage channels, habitat and open space.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not adversely affect existing drainage channels, riparian habitat or open space.
Natural Environment G2.1-5	Regulate clearing and development of steep slopes, river, stream and drainage channels.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not require the clearing and development of steep slopes, river, stream or drainage channels.
Natural Environment G2.1-8	Maintain existing air quality.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not affect existing air quality.
Natural Environment G2.1-9	Minimize loss of life and property from natural and man-made hazards.	The project site is not located within a mapped flood zone, dam inundation zone or Alquist-Priolo Earthquake Fault Hazard zone. There are no known man-made hazards, including contaminated soils, on site or in the area
Soils & Geologic Resources P2.1.1-4	Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.	Again, both proposed parcels are currently developed and no additional development is proposed. In addition, the parcels are virtually flat and there are no issues associated with slope stability.
Aesthetics P2.2.5-2	Encourage street trees and landscaping in new developments.	Both proposed parcels are currently developed and no additional development is proposed.
Water Resources P2.1.2-3	Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not result in additional stormwater run-off.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Biological Resources P2.1.7-2	Require setbacks (buffers) from environmentally sensitive habitat areas (ESHA's) such as riparian corridors, forested or wetland areas.	There are no known environmentally sensitive areas onsite. The closest environmentally sensitive area is the eel River and associated riparian area which is approximately 1,200 feet east of the project site.
Public Services P2.2.3-2	Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.	The Rio Dell Fire Protection District has recommended approval of the proposed subdivision.
Public Services P2.2.3-4	Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.	The only required infrastructure improvements are curb, gutter, sidewalks and some minimal paving along the frontage of the parcel.
Public Services P2.2.3-4	Require underground utilities for new development.	This policy has only been applied to new development. Where development is existing on the proposed parcels, utilities have not been required to be placed underground.
Housing A-13	Minimize housing construction in areas subject to hazards, such as flooding or geologic instability.	The project site is not located within a flood zone or an area of geologic instability.
Community Environment G2.2-12	Provide a safe and balanced transportation system for pedestrians, transit riders, bicyclists and vehicles.	The project is conditioned to require curb, gutter, sidewalks and paving along the frontage of the parcel. Public transportation is available and within walking distance of the proposed project. Recommended road improvements will provide for the safe movement of vehicles.
Cultural Resources P2.2.4-1	Coordinate with outside entities regarding land use decisions and impacts to cultural resources.	Because both proposed parcels are developed the project was not referred to the Bear River Band.

Again, based on comments from referral agencies and information submitted by the applicant, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

The project site is in an area zoned Urban Residential (UR). The purpose of the Urban Residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations apply in all Urban Residential or UR zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

- (a) Attached dwellings with a minimum lot size of 4,000 square feet;
- (b) Home occupation businesses, including health services related businesses;
- (c) Rooming and boarding of not more than two persons not employed on the premises;
- (d) Public and private non-commercial recreation facilities;
- (e) Schools, churches, civic and cultural uses including City offices and day care centers.

(3) Development Standards.

Development Standard	Zone Requirement
Minimum Lot Area	6,000 square feet
Maximum Ground Coverage	50%
Minimum Lot Width	60 feet
Minimum Open Space	50%
Minimum Yards	
Front	20 feet
Rear	10 feet
Side	5 feet
Maximum Building Height	35 feet

The proposed subdivision would create two lots of 12,040 and 12,710 square feet. Therefore, the proposed lots meet the minimum lot size of 6,000 square feet. In addition, each lot meets the required minimum lot width of 60 feet. As previously indicated, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. The project has been conditioned accordingly.

Any additional development must comply with the lot coverage, open space, setback and building height requirements for the Urban Residential zone. Review for compliance will at the time a building permit is applied for.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The following table identifies the evidence which supports findings that the proposed subdivision is in conformance with all applicable policies and standards of the City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications.

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.05.030	General Plan and Zoning Compliance	See discussion above. Based on evidence submitted by the applicant and comments from referral agencies, staff believes the proposed subdivision is consistent with the City General Plan and Zoning regulations.
16.10.040	Tentative Map Requirements	The Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.
16.10.050	Accompanying Data and Reports <ul style="list-style-type: none">➤ Soils Report➤ Title Report➤ Environmental Assessment	<p>A Preliminary Soils Report was not required because both of the proposed parcels are already developed with single family residences.</p> <p>The required Title Report was submitted with the application.</p> <p>Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.</p>

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.25.020 Standard Improvement Specifications	<p>Required Improvements</p> <ul style="list-style-type: none"> ➤ Street/Frontage Improvements ➤ Storm Drainage ➤ Sewer ➤ Water ➤ Utilities ➤ Fire Hydrants ➤ Street Lights 	<p>The project is conditioned on installing curb, gutter, sidewalks and paving along the frontage of the parcel. The improvements must be completed or bonded for prior to the recordation of the Final Map.</p> <p>Again because the parcels are already developed, no drainage improvements are proposed or required.</p> <p>Each of the proposed lots will be provided community sewer and water service.</p> <p>Utilities, including electric, gas, telephone and cable services are already in place.</p> <p>The proposed parcels are currently developed, located within an existing neighborhood with existing fire hydrants.</p> <p>The proposed parcels are currently developed, located within an existing neighborhood with existing street lights.</p>

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Again, both of the proposed parcels are currently developed with single family residences and accessory structures. Accordingly, each lot is suitable for single family residential uses.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Attachments:

Attachment 1: Conditions of Approval

Attachment 2: Resolution No. PC 052-2012

Attachment 3: CEQA Notice of Exemption

Teasley Minor Subdivision

File No. 052-301-012; Case No. PMS 12-01

Conditions of Approval

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

1. Map Expiration: The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed. Approval may be extended in accordance with the Rio Dell Municipal Code and the Subdivision Map Act.

2. Taxes: All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

4. Map Type: The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

5. Improvement Plans: Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the required curb, gutter, sidewalk and paving. Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by Rio Dell Public Works Department. A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking.

6. Unknown Improvements: Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.

7. Easements: All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Final Map and shown as to their approximate location.

8. Fees: The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.

9. Existing Accessory Structures: The existing accessory structures shall be relocated to comply with the required yard setbacks.

RESOLUTION NO. PC 084-2014



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF A ONE (1) YEAR EXTENSION OF THE TEASLEY
SUBDIVISION:**

WHEREAS the Planning Commission originally approved the Teasley minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet on July 25, 2012; and

WHEREAS the approval became effective on August 9, 2012 and was set to expire on August 9, 2014; and

WHEREAS the applicant's agent, A.M. Baird Engineering submitted an application for an extension on August 6, 2014; and

WHEREAS the proposed parcels are developed with single family homes and residential accessory structures; and

WHEREAS frontage improvements (curb, gutter and sidewalk) and paving was required along the frontage of the property and the applicant was required to move or relocate existing storage sheds to meet setback requirements; and

WHEREAS Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery; and

WHEREAS in reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and

2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS there have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS staff has determined that the extension is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed subdivision extension complies with all of the following original required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the subdivision extension subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 28, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chair Pro Tem

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 084-2014 adopted by the Planning Commission of the City of Rio Dell on August 28, 2014.


Karen Dunham, City Clerk, City of Rio Dell


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 28, 2014

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 25, 2014

Subject: Subdivision Regulations, Sections 16.15.130(2)(a) and (e) of the Rio Dell Municipal Code (RDMC)

Recommendation:

That the Planning Commission:

1. Receive staff's report recommending amending Sections 16.15.130(2)(a) and (e) of the City's Subdivision Regulations to be consistent with the Subdivision Map Act, Section 66410 of the California Government Code (CGC); and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 085-2014 recommending that the City Council amend the Subdivision Regulations to be consistent with the Subdivision Map Act.

Background and Discussion

During the recent review of the Teasley subdivision extension application, staff discovered that two of our local provisions regarding extensions are not consistent with the Subdivision Map Act, Section 66410 et seq. of the California Government Code (CGC).

Section 16.15.130(2)(a) of the Rio Dell Municipal Code (RDMC) requires that the application be submitted not less than 45 days prior to the expiration date. Section 66452.6(e) of the Government Code (Subdivision Map Act) identifies the provisions for discretionary approval of extensions of tentative maps. The Map Act requires that the application be submitted **prior to the expiration date**. Once an application for an extension is timely filed (prior to the expiration date), the map is automatically extended for sixty (60) days or until the City acts on the extension, whichever occurs first.

The second local provision not consistent with State law is Section 16.15.160(2)(e) of the RDMC, which requires that any appeals of the Planning Commission action be filed within ten (10) days of the Planning Commission's action. The Map Act allows the subdivider fifteen (15) days to appeal the Planning Commission action to the City Council.

Accordingly, staff is recommending that Sections 16.15.130(2)(a) and 16.15.130(2)(e) of the RDMC be amended as follows:

16.15.130 Expiration and Extensions.

(2) Extensions.

(a) Request by Subdivider. The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative parcel map by written application to the Planning Department. The application shall be filed ~~not less than 45 days~~ prior to the expiration date and shall state the reasons for requesting the extension.

(e) Appeal Conditions of Extensions. The subdivider may appeal any action of the Planning Commission on the extension to the City Council within ~~40~~ fifteen (15) days of such action in conformance to RDMC Section 16.10.090(1).

Most if not all *projects* are subject to the California Environmental Quality Act (CEQA). Pursuant to Section 15378 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations a "Project" is defined as whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. There is no evidence to suggest that the proposed minor text amendments to the subdivision extension provisions RDMC has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, staff believes the text amendments are not a *project* as defined by Section 15378 of the CEQA Guidelines and therefore not subject to CEQA.

Attachments

Attachment 1: Resolution No. PC 085-2014 recommending that the City Council amend the Subdivision Regulations to be consistent with the Subdivision Map Act regarding the extension of approved tentative maps.

Attachment 2: Draft Ordinance No. 327-2014 amending Section 16.15.130(2)(a) and Section 16.15.130(2)(e) of the Rio Dell Municipal Code (RDMC).

RESOLUTION NO. PC 085-2014



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING AMENDING SECTION 16.15.130(2)(a) AND SECTION
16.15.130(2)(e) OF THE RIO DELL MUNICIPAL CODE (RDMC) TO BE CONSISTENT
WITH SECTION 66452.(e) OF THE SUBDIVISION MAP ACT, SECTION 66410 *et seq*
OF THE CALIFORNIA GOVERNMENT CODE TO THE RIO DELL CITY COUNCIL**

WHEREAS during the recent review of a subdivision extension application, staff discovered that two of our local provisions regarding extensions are not consistent with the Subdivision Map Act, Section 66410 *et seq.* of the California Government Code (CGC); and

WHEREAS Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery; and

WHEREAS Section 16.15.130(2)(a) of the Rio Dell Municipal Code (RDMC) requires that an application for a subdivision approval extension be submitted not less than 45 days prior to the expiration date; and

WHEREAS Section 66452.6(e) of the Government Code (Subdivision Map Act) identifies the provisions for discretionary approval of extensions of tentative maps; and

WHEREAS the Map Act requires that the application be submitted ***prior to the expiration date***; and

WHEREAS pursuant to the Map Act, once an application for an extension is timely filed (prior to the expiration date), the map is automatically extended for sixty (60) days or until the City acts on the extension, whichever occurs first; and

WHEREAS Section 16.15.160(2)(e) of the RDMC requires that any appeals of the Planning Commission action on the subdivision extension approval be filed within ten (10) days of the Planning Commission's action; and

WHEREAS The Map Act allows the subdivider fifteen (15) days to appeal the Planning Commission action to the City Council; and

WHEREAS staff believes the text amendments are not a "*project*" as defined by Section 15378 of the CEQA Guidelines and therefore not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that:

1. Sections 16.15.120(2)(a) and (e) of the Rio Dell Municipal Code (RDMC) should be amended to be consistent with Section 44652.6(e) of the Government Code (Subdivision Map Act);
2. The text amendments are not a "*project*" as defined by Section 15378 of the CEQA Guidelines and therefore not subject to CEQA

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to Sections 16.15.120(2)(a) and (e) of the Rio Dell Municipal Code (RDMC).

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 28, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chair Pro Tem

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 085-2014 adopted by the Planning Commission of the City of Rio Dell on August 28, 2014.

Karen Dunham, City Clerk, City of Rio Dell

ORDINANCE NO. 327 – 2014



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING SECTION 16.15.130(2)(a) AND SECTION 16.15.130(2)(e) OF THE RIO
DELL MUNICIPAL CODE (RDMC) TO BE CONSISTENT WITH SECTION 66452.(e)
OF THE SUBDIVISION MAP ACT, SECTION 66410 *et seq* OF THE CALIFORNIA
GOVERNMENT CODE**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS during the recent review of a subdivision extension application, staff discovered that two of our local provisions regarding extensions are not consistent with the Subdivision Map Act, Section 66410 *et seq.* of the California Government Code (CGC); and

WHEREAS Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery; and

WHEREAS Section 16.15.130(2)(a) of the Rio Dell Municipal Code (RDMC) requires that an application for a subdivision approval extension be submitted not less than 45 days prior to the expiration date; and

WHEREAS Section 66452.6(e) of the Government Code (Subdivision Map Act) identifies the provisions for discretionary approval of extensions of tentative maps; and

WHEREAS the Map Act requires that the application be submitted *prior to the expiration date*; and

WHEREAS pursuant to the Map Act, once an application for an extension is timely filed (prior to the expiration date), the map is automatically extended for sixty (60) days or until the City acts on the extension, whichever occurs first; and

WHEREAS Section 16.15.160(2)(e) of the RDMC requires that any appeals of the Planning Commission action on the subdivision extension approval be filed within ten (10) days of the Planning Commission's action; and

WHEREAS The Map Act allows the subdivider fifteen (15) days to appeal the Planning Commission action to the City Council; and

WHEREAS the text amendments are not a "*project*" as defined by Section 15378 of the CEQA Guidelines and therefore not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Section 16.15.130 Expiration and Extensions.

(2) Extensions.

(a) Request by Subdivider. The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative parcel map by written application to the Planning Department. The application shall be filed **not less than 45 days** prior to the expiration date and shall state the reasons for requesting the extension.

(e) Appeal Conditions of Extensions. The subdivider may appeal any action of the Planning Commission on the extension to the City Council within **10 fifteen (15)** days of such action in conformance to RDMC Section 16.10.090(1).

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on September 2, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the September 16, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 327-2014 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the September 16, 2014.

Karen Dunham, City Clerk, City of Rio Dell